

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOSHUA DONIZETTI, Plaintiff, vs. LAS VEGAS METROPOLITAN POLICE DEPARTMENT, Defendant. } } } } } Case No. 2:09-cv-02294-RCJ-PAL **ORDER**

The court set a hearing on the parties' Stipulated Extension for Discovery Deadline and Trial Date (Dkt. #23) on Tuesday July 20, 2010. Ryan Alexander appeared on behalf of the Plaintiff, and Lyssa Anderson appeared on behalf of the Defendant.

The parties' stipulated extension (Dkt. #23) was filed July 12, 2010—six days after the expiration of the discovery cutoff. The parties requested an additional ninety-day extension of the Discovery Plan and Scheduling Order deadlines stating they have been engaged in good faith meet and confers, and have discussed settlement proposals. Counsel for Plaintiff believes that settlement without trial is possible. During the hearing, the court canvassed counsel concerning the discovery completed to date. The Plaintiff has not engaged in any discovery. If the case does not settle, he intends to send out one set of written requests for production, requests for admissions, and interrogatories. Counsel for Plaintiff also expects to take two to three depositions. He has no plans of retaining experts.

Counsel for Defendant indicated that after the court entered a Discovery Plan and Scheduling Order for the parties when they failed to submit one, defense counsel served her initial disclosures on Plaintiff's counsel. Plaintiff's counsel has not served initial disclosures, and Plaintiff has not responded to Defendant's written discovery requests. Defense counsel made an offer to settle this case, and the parties are hopeful that the matter will be resolved. However, without receiving Plaintiff's initial

1 disclosures and responses to written discovery, defense counsel cannot definitively determine what
2 discovery is required.

3 The stipulation to extend the deadlines was filed after the expiration of the discovery cutoff. As
4 such, the current stipulation is actually a request to re-open discovery. Plaintiff's counsel
5 acknowledged that his client has not provided the initial disclosures, or responded to Defendant's
6 written discovery requests. Plaintiff's counsel also acknowledged that the written discovery requests
7 are not objectionable and require a response. The court advised counsel that it will conduct a status
8 conference in approximately two weeks. If the parties have been unable to settle this case, a final
9 Discovery Plan and Scheduling Order will be entered. Additionally, sanctions up to and including case
10 dispositive sanctions may be imposed if the Plaintiff continues to refuse to serve initial disclosures and
11 respond to Defendant's written discovery.

12 **IT IS ORDERED** a status conference is set for August 5, 2010 at 8:45 a.m. Counsel may
13 appear telephonically. Each party requesting to appear telephonically is instructed to call Jeff Miller,
14 Courtroom Deputy, at (702) 464-5420 **before 4:00 p.m., August 4, 2010** to indicate the name of the
15 party participating and a telephone number where that party may be reached. The courtroom deputy
16 will initiate the call.

17 Dated this 21st day of July, 2010.

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19 
20 Peggy A. Teer
United States Magistrate Judge